



# BUTTE COUNTY DISTRICT ATTORNEY



**MICHAEL L. RAMSEY**  
District Attorney

**MARK MURPHY**  
Chief Deputy District Attorney

**JUAN DIAZ**  
Chief Investigator

July 17, 2019

Dan Rubins  
MuckRock News  
Dept. MR 76580  
411A Highland Avenue  
Somerville, MA 02144-2510

Re: Public Records Act Request

Dear Mr. Rubins:

This letter is in response to your request under the California Public Records Act dated 7/4/19 requesting "Brady lists" under California Penal Code Section 832.7 covering a ten year time period.

At this time, we are not providing you any responsive documents, which are exempt from disclosure for the following reasons:

- Penal Code section 832.7 expressly applies to personnel records involving a "sustained finding" of various types of misconduct by peace officers or custodial officers. Penal Code section 832.8(b) defines "sustained" as a final determination by an "investigating agency, commission, board, hearing officers, or arbitrator" following an investigation and opportunity for administrative appeal.
- Penal Code section 832.7(a) expressly states the section does not apply to investigations or proceedings conducted by a district attorney's office regarding the conduct of peace officers or custodial officers.
- Attorney work product. (Government Code section 6254(k); Code of Civil Procedure section 2018.030(a) and Penal Code section 1054.6.)
- Deliberative process privilege. (Government Code sections 6254(k) and 6276.32; Evidence Code section 1040; Times Mirror Co. v. Superior Court (1991) 53 Cal.3d 1325; Gomez v. Nashua (1989) 126 F.R.D. 432; United States v. Fernandez (9<sup>th</sup> Cir. 2000) 231 F.3d 1240.)
- Communications with investigating agency protected by official information privilege. (Government Code sections 6254(k) and 6276.32; Evidence Code section 1040.)

- Information protected by right of privacy. (Government Code Sections 6254(k) and 6276.32; California Constitution, Article I, Section 1; Central Valley Ch. 7<sup>th</sup> Step Foundation, Inc. v. Younger (1989) 214 Cal.App.3d 145, 161-162; Younger v. Berkley City Council (1975) 45 Cal.App.3d 825, 832.)
- Drafts. (Government Code Section 6254(a).)

Sincerely,

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Mark Murphy  
Chief Deputy District Attorney